



# DEPARTMENT OF THE NAVY

## SEXUAL ASSAULT PREVENTION AND RESPONSE

# MAKE A DIFFERENCE, BE THE SOLUTION

Training for Pre-Commissioned Officers





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## Description of the Audience

The Department of the Navy Sexual Assault Prevention and Response Office (DON SAPRO) has created this sexual assault prevention and response (SAPR) training for midshipmen and candidates attending Navy and Marine Corps Officer Candidate School (OCS), Reserve Officer Training Corps (ROTC), and the United States Naval Academy (USNA). This course was designed for juniors and seniors in ROTC and at the Naval Academy, and candidate officers at OCS, who are actively acquiring skills for their future roles.

## Audience Learning Needs and Preferences

To determine the structure and content of this course, DON SAPRO conducted eight focus groups with the audience: five with ROTC midshipmen, two with Naval Academy midshipmen, and one with Navy OCS. The focus groups conducted with midshipmen and officer candidates helped gauge the target audience's baseline knowledge about sexual assault prevention and response and solicit their training preferences. DON SAPRO also conducted four focus groups with junior officers, capitalizing on their fleet experience. This course reflects SAPR-related issues and information that junior officers believe midshipmen and OCS candidates should understand, and in some cases, information that they wish they had received before their commissioning.

Focus groups indicated that the pre-commissioned officer audience has a good understanding of basic SAPR concepts and policies, including definitions, impact, and reporting options. However, focus group participants expressed a desire for active learning and information specifically tailored to the responsibilities of junior officers. Midshipmen and officer candidates want tools and guidance to handle situations they're likely to encounter as junior officers, and in particular, want to know what *to* do as opposed to teaching them what *not* to do. They are averse to training that is too black and white or that includes case studies with characters and situations that are unrealistic or "cartoonish."

Junior officers were forthcoming about the situations they have faced during their time in the fleet, and provided recommendations for which situations midshipmen and OCS candidates should prepare for and practice.

## Instructional Areas of Emphasis

DON SAPRO designed this course to emphasize areas of interest shared by focus group participants, as well as Department of Defense (DOD)-mandated core competencies.

### AWARENESS

- The DOD definitions of sexual assault and consent, and the difference between sexual assault and sexual harassment.
- The types of sexual assault under the Uniform Code of Military Justice (UCMJ).
- The impact of sexual assault on victims, the unit, and mission readiness.

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## PREVENTION

- Identify behaviors that can prevent sexual assault, including, but not limited to: maintaining a healthy command climate, consent education, safety tips, and bystander intervention.
- The importance of bystander intervention and the various bystander intervention techniques.
- The junior officer's responsibility to help maintain a healthy climate intolerant of misconduct and behaviors on the continuum of harm.
- The junior officer's responsibility to educate and establish a dialogue with Sailors to establish trust so that, in the event of a sexual assault, victims feel comfortable reporting.
- The junior officer's unique opportunity to mentor Sailors and Marines and guide their behavior.
- The junior officer's responsibility to educate and empower Sailors and Marines to intervene to prevent sexual assault, and to know when and how to do so themselves.
- The junior officer's responsibility to impart to Sailors and Marines a thorough understanding of what consent is and is not.

## RESPONSE

- The restricted and unrestricted reporting options and the procedure for reporting a sexual assault when the alleged perpetrator is the commander or is in the chain of command.
- The junior officer's options for referring a potential victim for care before he/she discloses and loses the option for a restricted report.
- The junior officer's responsibility to quell gossip and rumors following a sexual assault, and to restore a healthy climate of trust, professionalism, and respect.
- The SAPR resources available for victims on- and off-base.
- The importance of retaining SAPR documentation.

## Length of Course

60 minutes (30 minutes of video and 30 minutes of discussion)

## Course Interactivity

Focus group feedback suggests that this audience values the opportunity to share opinions and troubleshoot challenges through open discussion. All groups also expressed an interest in learning tangible techniques for handling specific situations. Therefore, this course includes numerous discussion questions and opportunities for open conversation.

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## Course Materials

The training includes:

- Facilitator's guide
- PowerPoint slides with linked video

## Use of Video

The course video includes fictionalized dramatic vignettes, and documentary sequences.

The dramatic vignettes are based on the scenarios that ROTC and OCS focus group participants requested, and scenarios that junior officer focus groups recommended based on their experience. Each vignette is designed to provide midshipmen and candidates with a dramatized SAPR-related situation that they may encounter as junior officers in the Navy or Marine Corps.

DON SAPRO conducted more than 100 interviews with junior officers, SAPR subject matter experts, Navy and Marine Corps leaders, and senior leadership. DON SAPRO also interviewed victims of sexual assault who volunteered to share their stories. These stories and interviews are interwoven in documentary video sequences designed to highlight the impact of sexual assault, share information, and spark discussion.

## Guide Tips and Tricks

This guide will prompt facilitators when certain actions are necessary:

**SHOW →**

Advance the slide.

**SAY...**

Read the script.

**ASK...**

Ask the question.

Sample answers are provided below each question. “Listen for and validate” means that if participants offer those answers, you should make sure the class knows those answers are accurate; if participants are not talking, you can offer these as sample answers.

“Listen for and correct” means that if you hear those statements, you should identify them as incorrect information. Open-ended discussion is useful, but discussions should conclude with concrete answers (where appropriate).

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The goal of the question is provided to help you facilitate the discussion and guide participants to the required knowledge.



Play the video.

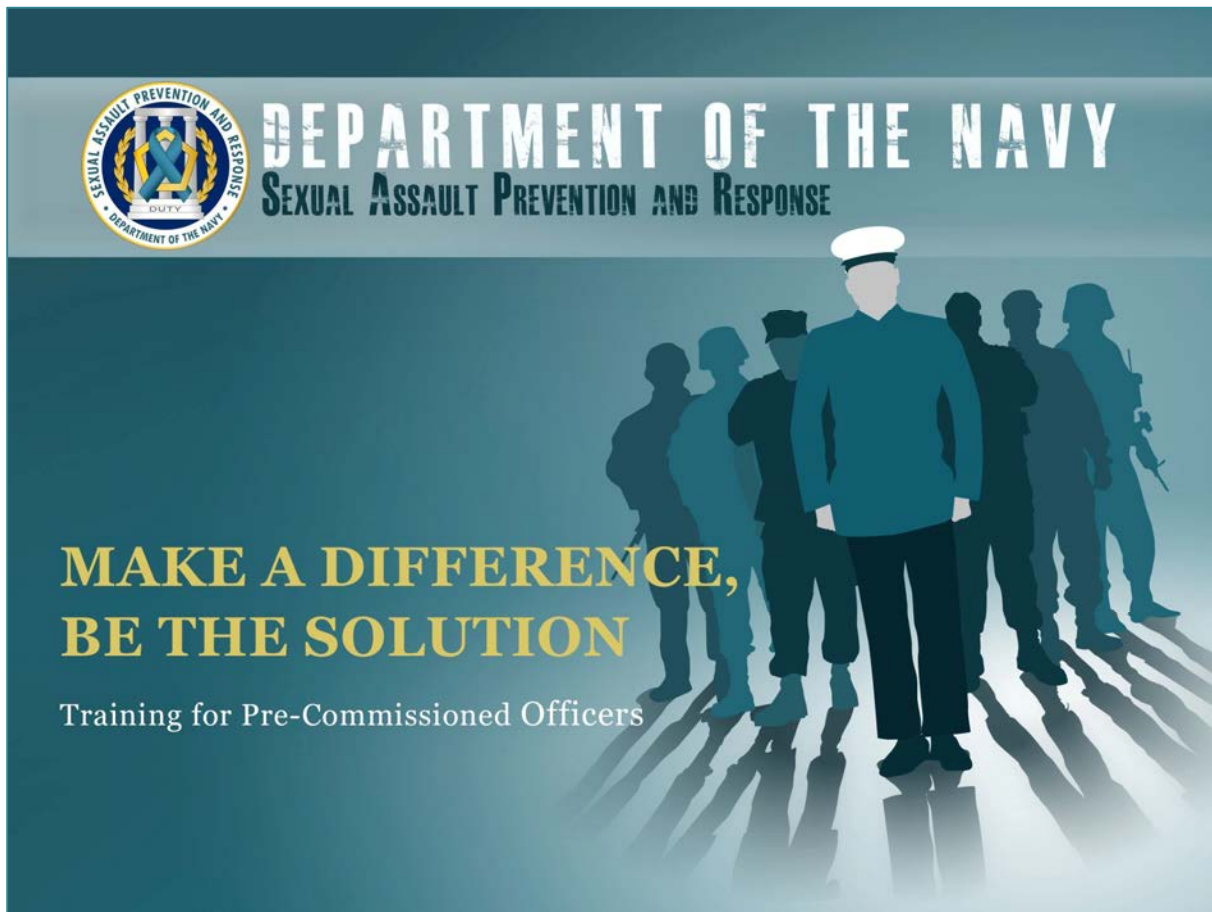
After the video has finished playing, the PowerPoint slide hosting the video will return to the screen, and you can then read the script associated with the video slide. Do not automatically advance the slide when the video is done playing; advance the slide only when prompted by the guide.

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## INTRODUCTION

5 minutes

SHOW →



SAY...

- Welcome to sexual assault prevention and response (SAPR) training.
- Please check to make sure your phones are on silent.
- If at any point you need to use the head, quietly excuse yourself.
- We have a lot of important material to cover in one hour.
- Today we're going to talk to you as junior officers.
- We talked to junior officers in the Navy and the Marine Corps.
- This is what THEY thought you should know about sexual assault prevention and response...
- ...things they wish they had known when they were in your shoes.
- Because this crime is not just something we talk about hypothetically.



- 
- It's real, it's deplorable, and it happens a lot more than you might realize.

### ASK...

How big of a problem do you think this is?

#### LISTEN FOR:

- "It's a big problem"
- "It's getting a lot of attention in the media and Congress"

### SAY...

- Sexual assault is far too common in both the civilian world and the military.
- One in four women and one in six men will be sexually assaulted before the age of 18.<sup>1, 2</sup>

### ASK...

Why does that statistic matter to you?

#### LISTEN FOR:

- Our peers and our Sailors or Marines may have been assaulted.

**GOAL:** To get midshipmen and officer candidates to consider the magnitude of sexual assault.

### SAY...

Given these numbers, when you address your division as an officer, know that survivors are standing right there.

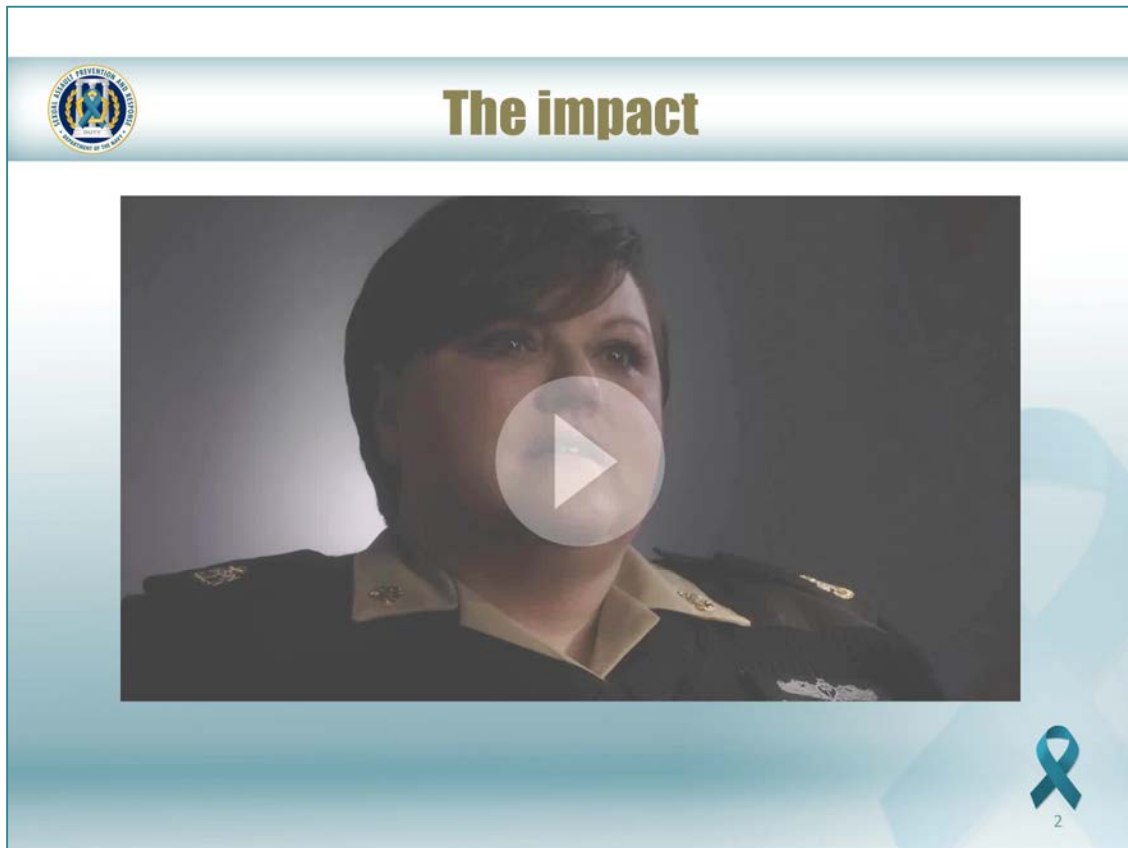
**FACILITATOR:** For more information, see this factsheet from the National Center on Domestic and Sexual Violence: <http://www.ncdsv.org/images/sexualassaultstatistics.pdf>

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<sup>1</sup> Finkelhor, David, et al. "Sexual Abuse in a National Survey of Adult Men and Women: Prevalence, Characteristics and Risk Factors," Child Abuse and Neglect, 1990.

<sup>2</sup> Dube, S.R., Anda, R.F., Whitfield, C.L., et al. "Long-term consequences of childhood sexual abuse by gender of victim." American Journal of Preventive Medicine, 2005.

SHOW →



PLAY ▶

Documentary video (runtime: 2:05): [The Impact](#)

SAY...


- Very powerful, wasn't it?
- Talk about incredible courage and strength.
- Those Sailors and Marines volunteered because they want you to know how serious this crime is.
- Junior officers have an important role to play in the battle against sexual assault.
- For the next hour, we're going to talk about what you can do to **prevent** sexual assault...
- ...and how to **respond** to a report of sexual assault.

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## AWARENESS

20 minutes


SHOW →



## What is sexual assault?

- Sexual assault is intentional sexual contact characterized by the use of force, threats, intimidation or abuse of authority; or when the victim does not or cannot consent.  
-DODI 6495.02
- Includes these specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses. -UCMJ Article 120

**Bottom line: Sexual assault is sexual contact without consent.**



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SAY...

- As a starting point, let's briefly cover a broad definition of sexual assault.
- Sexual assault is **intentional sexual contact or sexual acts** when the victim **does not or cannot consent**.
- Sexual assault includes more than just rape.
- Sexual touching without consent is a crime.
- The UCMJ subdivides this crime into several categories:
- ... rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy, and attempts thereof.
- Sexual assault can be any unlawful sexual touching, or attempted sexual touching.

- 
- The degree of the touching, from contact to penetration, and the nature of force used will determine the severity of the offense.
  - At the end of the day, what you are responsible for knowing is this:
  - **If someone is touched sexually when they do not want to be, that is a crime.**



### Comprehension Check

Pause here to ensure participants understand:

- a broad definition of sexual assault: any sexual touching without consent
- that the UCMJ subdivides this crime into several categories
- that as junior officers, they are responsible for knowing the broad definition of sexual assault, and communicating that to their Sailors or Marines

If participants have further questions about the UCMJ definitions, note the questions and either find the answers after the class and follow up with them, or refer them to a Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), or Judge Advocate General (JAG). (Consider writing questions on a whiteboard, or have participants write questions on paper and pass them to you.)

Reassure them that at their first command or duty station, a SAPR team will be in place to answer any questions.

- Another definition to know is sexual harassment.
- Some people mistakenly assume that sexual assault and harassment are the same.
- The two are related, but they are not the same.

SHOW →



## Sexual assault or sexual harassment?

- Unwanted sexual **contact**: sexual **assault**
- Unwanted **behavior** that is sexual in nature: sexual **harassment**

Sexual assault and sexual harassment are criminal offenses in the military, punishable under Article 120 and Article 92, respectively, of the UCMJ.



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SAY...

- Sexual assault involves unwanted, unlawful sexual **touching**. It is a crime.
- Sexual harassment is unwanted **behavior** typically involving sexual words or gestures.
- Sexual harassment *can* create an environment conducive to sexual assault.
- Commands that condone sexual harassment are **five times more likely** to experience an assault.<sup>3</sup>

<sup>3</sup> Sadler et al. "Factors associated with women's risk of rape in the military environment." American Journal of Industrial Medicine, 2003.

- 
- As a junior officer, you do NOT need to be a legal expert, but you should **know the basics**.
  - And you should **know who to call** for information: the Sexual Assault Response Coordinator, or **SARC**, at your installation, can answer your questions—and can connect you with other appropriate resources.
  - Your SARC is your key resource.
  - One of your responsibilities will be to **educate Sailors and Marines about sexual assault** and consent.
  - You need to become comfortable discussing these subjects.
  - It's hard, but necessary, and it gets easier with practice.
  - So, with that said, let's dive in.

### ASK...

What is consent?

#### LISTEN FOR AND VALIDATE:

- Permission, agreement, approval, assent, go-ahead, concurrence
- “Yes, I want to do this with you”
- “OK; go ahead”
- “I’m into it”
- “When the person is acting like they’re into it—reciprocating, touching, removing own clothes, etc.”
- “Giving permission without any form of influence”

**GOAL:** To ensure all midshipmen and officer candidates understand the meaning of consent and have different ways to talk about it with young enlisted Sailors and Marines.

SHOW →



## What is consent?

Consent IS	Consent IS NOT
<ul style="list-style-type: none"><li>• “Yes”</li><li>• Gestures or actions that show willing participation</li><li>• Freely given</li><li>• From a competent person</li><li>• Ongoing: for each activity, each time</li></ul>	<ul style="list-style-type: none"><li>• Absence of “no”</li><li>• Failure to fight back</li><li>• Silence</li><li>• Given under threat or implied threat</li><li>• Given while judgment is impaired</li><li>• A standing free pass</li></ul>



5

SAY...

- Understanding consent is the key to understanding what sexual assault is.
- Getting consent is non-negotiable.
- Consent is a “yes” given by someone who is not impaired by alcohol or drugs...
- ...and is not impaired due to mental incapacity or age.
- Consent is a “yes” given when “no” was also an option.
- It has to be a choice.
- ...so, if someone says “yes” when they’ve been threatened, that is not consent.
- Consent is a positive “yes.”



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- Failure to say “no” does NOT count as consent.
  - The surest way to know you have someone’s permission is to ask.
  - Nonverbal signals can indicate consent...
  - ...but you need to know the other person well enough to read them correctly.

### ASK...

What nonverbal signals or cues *could* indicate that someone is giving consent?

#### LISTEN FOR AND VALIDATE:

- “Participation”
- “Reciprocation”
- “Touching”
- “Removing clothes”

**GOAL:** To get midshipmen and officer candidates to think about the various ways people can communicate consent.

### SAY...

- To get or give non-verbal consent, you need overt actions that show active participation.
- Participating in the sexual contact, reciprocating it, removing clothes—these are actions that can say “yes.”
- These “yes” actions indicate willing participation in the sexual activity at hand.
- Whether it’s touching or intercourse, you’re looking for “active participation,” not “submission.”

### ASK...

What nonverbal signals and cues *could* indicate that someone is NOT giving consent?

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#### LISTEN FOR AND VALIDATE:

- “Freezing”
- “Remaining immobile”
- “Being silent”
- “Hesitating”
- “Stiffening up”

**GOAL:** To get midshipmen and officer candidates to recognize ways people communicate lack of consent.

#### SAY...

- Freezing, holding still, or stiffening; silence, hesitation—these are actions that *could* say “No. I don’t want to do this; stop.”
- If body language or actions are saying “no,” there is no consent.
- **When in doubt, ASK.**

#### ASK...

If a person consents to come up to your room with you, kiss, maybe remove some clothes—have they consented to intercourse?

**ANSWER:** No.

#### SAY...

- A person has to consent to **each sexual activity, each time.**
- For example, a person can consent to kissing, but nothing more.
- A person can withdraw consent at any time, and for any reason.
- An intimate relationship or prior sexual contact does not count as a standing free pass.
- You still need to have consent every time.
- The person who initiates the sexual contact is responsible for making sure their partner consents to that specific activity.
- In other words: if Ashley wants to touch Mike, Ashley needs to make sure Mike wants to be touched.

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- In this situation, Ashley is the initiator, so she is responsible for getting consent.
  - If Mike says yes, touching is OK—anything beyond touching will require another check in.
  - The role of the initiator can change.
  - For example, let's say Mike and Ashley are making out and touching with clothes on.
  - If Mike decides he wants to remove clothes, he needs to make sure Ashley also wants to do that.

### ASK...

How does alcohol affect consent?

#### LISTEN FOR AND VALIDATE:

- “Alcohol impairs judgment”
- “Alcohol may prevent someone from being able to legally consent”
- “There’s no magic number when it comes to number of drinks, everybody and every situation is different”
- “When in doubt, wait”

#### LISTEN FOR AND CORRECT:

- “You can’t give consent if you’ve been drinking”
- “Any amount of alcohol makes consent impossible”
- “One/two/three drinks automatically means consent is impossible”

**NOTE TO FACILITATOR:** Misinformation, however well-intentioned, has proliferated on this point. Some have been told that if any drinking has occurred, consent is not possible. The desire to err on the safe side is understandable, but this is not true.

### SAY...

- To consent, people must be competent and capable of consenting.
- “Competent” means capable of making choices or judgments.
- Alcohol **impairs** judgment.
- But there’s no hard-and-fast rule about how much alcohol is too much.

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- The legal elements of the various offenses that constitute sexual assault in a broad sense are complicated.
  - But everyone needs to understand that sexual activity with a partner when there has been possible impairment due to drinking is risky.
  - Every person and every situation is different.
  - So every time you're thinking about initiating sexual activity, you need to make sure: are we both into this? Are we both competent enough to make this choice?
  - There's no magic number of drinks that negates consent.
  - There's also no magic signal that someone is too drunk to consent, but there are useful warning signs to look for.

#### ASK...

There are some warning signs that typically—but not always—indicate that someone is too impaired to consent. What are they?

##### LISTEN FOR AND VALIDATE:

- “Slurred or incoherent speech”
- “Stumbling, difficulty walking”
- “Fumbling around, lack of control over fine motor skills”
- “Seeming out of it”
- “Looking dazed or glassy-eyed”
- “Vomiting”
- “Unconsciousness”

#### SAY...

- If someone seems drunk, they may be too impaired to consent.
- Two consenting adults *can* drink and then have consensual sex.
- BUT, if one or both persons drinks enough that their judgment is impaired and they are no longer competent, there is no consent.
- Alcohol plus sex is not automatically illegal.
- But drunk plus drunk does not equal consent.

- 
- When in doubt, **it is always safer to wait.**
  - And if you're a bystander to a situation where two people are drinking heavily, it is always a good idea to intervene safely.
  - To be clear, **drinking does not cause sexual assault.**
  - Criminal behavior does.
  - Sexual assault is a blatant disregard for another person—a refusal to see another person as fully human, worthy of respect and control over his or her body.
  - Most sexual assaults are committed by someone known to the victim.
  - That's why talking about consent is so important.

#### ASK...

Talking about consent can feel very technical. If you were trying to sum it up in one take-home message for your Sailors or Marines, what would you say?

#### LISTEN FOR AND VALIDATE:

- “Consent is a yes”
- “Always respect your partner”
- “Always ensure you have consent”
- “When in doubt, ask”
- “If drinking has occurred, it's safer to wait”
- “When in doubt, wait”

**GOAL:** To get midshipmen and officer candidates thinking about the challenge and the necessity of incorporating discussions of consent into their prevention work. Also, to allow midshipmen/candidates to process the definition of consent, understand it inside and out, and discuss it in conversational terms rather than legalese.

#### SAY...

- The best way to talk about consent with your Sailors and Marines is **“Consent is a ‘yes.’”**
- Anything short of that, assume it's a **NO.**
- Let's hear how some of your peers and leaders handle this.

SHOW →



PLAY ▶

Documentary video (runtime: 1:38): [Educate Your Sailors, Marines, and peers](#)

SAY...

- It's important to stress that consent is not just some buzzkill UCMJ requirement.
- Consent is a feature of all healthy relationships.
- Being allowed to choose whether or not we participate in sexual activity is a basic right.



## Comprehension Check

Pause here to ensure participants understand:

- that consent is words or actions that clearly communicate “yes”
- that to consent, a person must be competent
- that because alcohol impairs judgment, a person who has consumed alcohol may not be competent to provide consent

If participants have further questions about consent and/or alcohol, note the questions and either find the answers after the class and follow up with them, or refer them to a SARC, VA, or JAG.

(Consider writing the questions on a whiteboard, or have participants write questions on paper and pass them to you.)

Reassure them that at their first command or duty station, a SAPR team will be in place to answer any questions.

- Educating your Sailors and Marines about consent is one of several steps you will take to prevent sexual assault.
- Now let’s talk about some other prevention techniques.

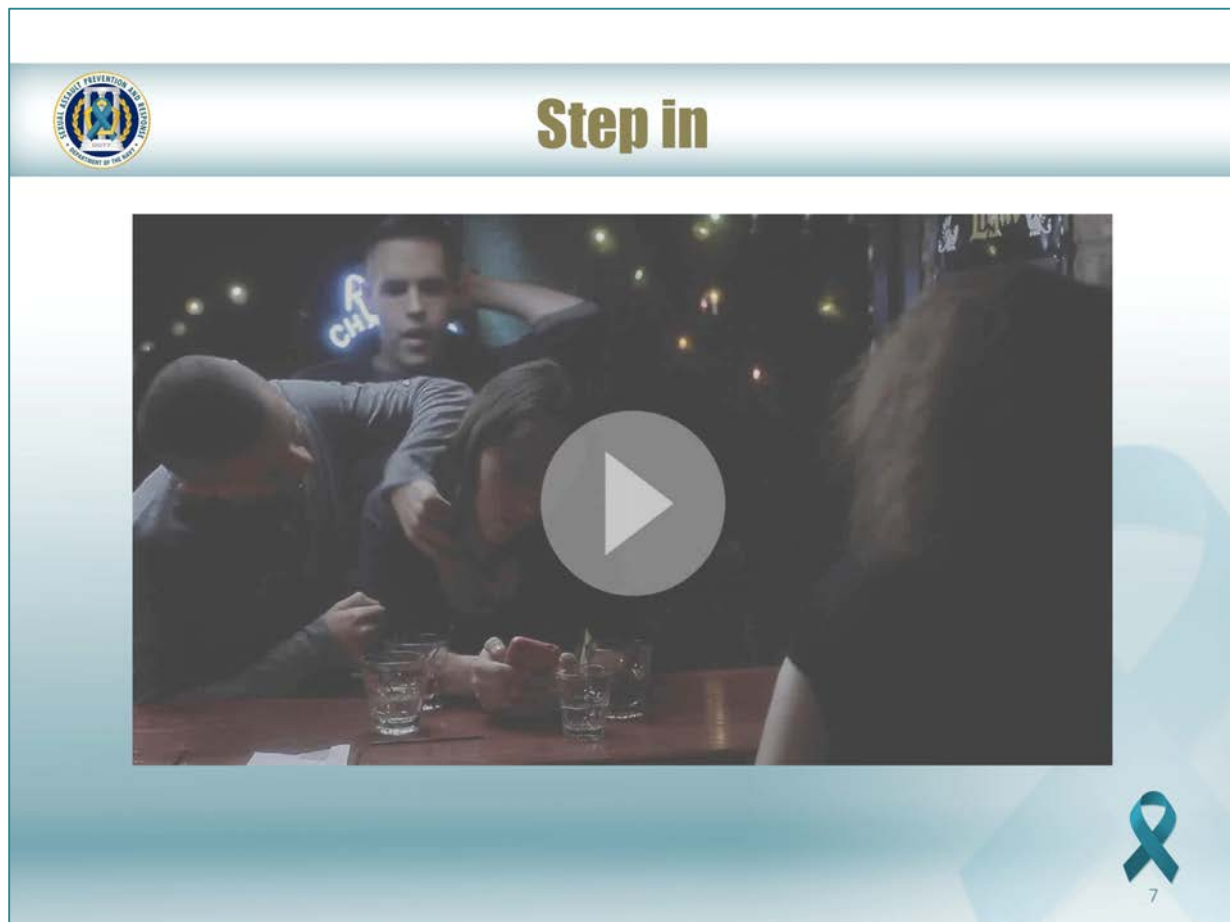
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## PREVENTION

20 minutes



SHOW →



PLAY ▷

Fictional Scenario (runtime 3:54): [Bystander Intervention](#)

PAUSE II

Pause the vignette when prompted by the pause icon on screen. This occurs after the characters have missed opportunities for intervention.

SAY...

- Let's think about the pros and cons of stepping in to a situation like this.
- Here we have a situation that may seem ambiguous, but is [potentially dangerous](#).

- 
- We're not entirely sure what's going on here.
  - But in real life, do we ever have all the information? No.
  - We can only act on what we know.
  - We know that two people have been drinking all day...
  - ...and they look like they might be heading toward sexual activity.
  - In this case, we know some other details that lead us to doubt either of them would be ok with having sex when sober.
  - We might just have a bad feeling about it.
  - But it boils down to a potentially bad situation: two people who *may* be too drunk to consent, about to leave together.

### ASK...

If you **DO** step in here, what's the worst-case outcome?

#### LISTEN FOR AND VALIDATE:

- "Andy and Natalie might feel embarrassed"
- "Andy and Natalie might become upset"
- "You might have misread the situation"
- "You might get called uptight/a cockblocker/a blue falcon/etc."

**NOTE TO FACILITATOR:** If necessary, remind participants to focus on this scenario, where the interveners are friends with Andy and Natalie, and there's no reason to assume Andy would react with physical force to an intervention. If **physical violence** ("you might get punched in the face,") comes up as a reason not to intervene, remind participants of the following:

"Your personal safety always comes first. However, there are usually other ways to intervene without putting yourself in harm's way—for example, by asking a bartender or bouncer or other person to separate people."

**GOAL:** To get candidates and midshipmen to put the possible negative consequences into perspective.

### SAY...

- The worst-case scenario is you stop two people who wanted to have sex from having sex—that night.

- 
- Maybe they're annoyed with you the next day.
  - Maybe people make fun of you for cockblocking.
  - **Could you live with that?**

### ASK...

If you **DON'T** step in here, what's the worst-case outcome?

#### LISTEN FOR AND VALIDATE:

- "A sexual assault might take place"
- "A DUI or accident might take place"

**NOTE TO FACILITATOR:** Keep participants focused on this scenario. If necessary, remind them of the indicators seen in the video: potential serious intoxication after a whole day of drinking by Natalie and Andy; some lack of interest on Natalie's part vs. clear interest on Andy's part; poor/risky decision-making about drinking occurring.

**GOAL:** To get candidates and midshipmen to think about the consequences of not intervening.

### SAY...

- In the worst case, one of your fellow Marines or shipmates is the victim of a terrible crime.
- One of your fellow Marines or shipmates perpetrates a terrible crime.
- **Could you live with that?**

### RESUME ►

Fictional Scenario: **Bystander Intervention**

SHOW →



PLAY ▷

Documentary video (runtime 4:02): [Prevention by Bystander Intervention](#)

SAY...

- Stepping up to intervene when we see red flags is called “[bystander intervention](#).”
- Bystander intervention is one way to prevent sexual assault.
- Sometimes a bystander’s perspective is necessary to see the danger in a situation.
- There are several techniques for bystander intervention.
- [Direct](#): you can get involved yourself.
- [Distract](#): you can cause a distraction.

- 
- **Delegate:** you can ask a bartender, bouncer, party host, or friend to use their authority to step in and separate people.
  - The responsibility to intervene applies equally in a work situation or a social one.
  - Let's take a look at a short case study.

SHOW →



PLAY ▶

Fictional Scenario (runtime 2:27): [The Continuum of Harm](#)

ASK...

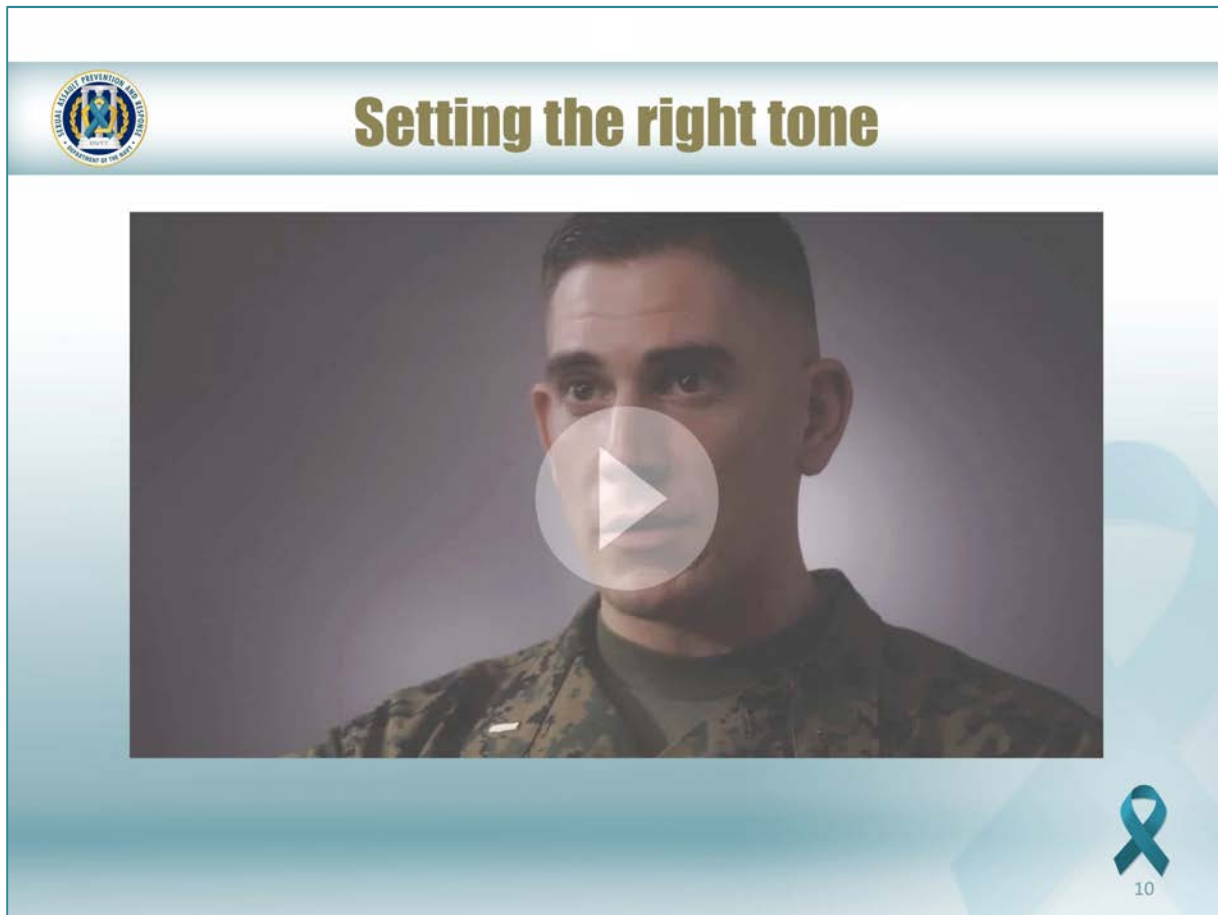
What was good about how the junior officers in the movie handled the situations?

**LISTEN FOR AND VALIDATE:**

- “They addressed the situation immediately”
- “They educated instead of just reprimanding”

**GOAL:** To get midshipmen and candidates to discuss the appropriate handling of behaviors on the continuum of harm.

SHOW →



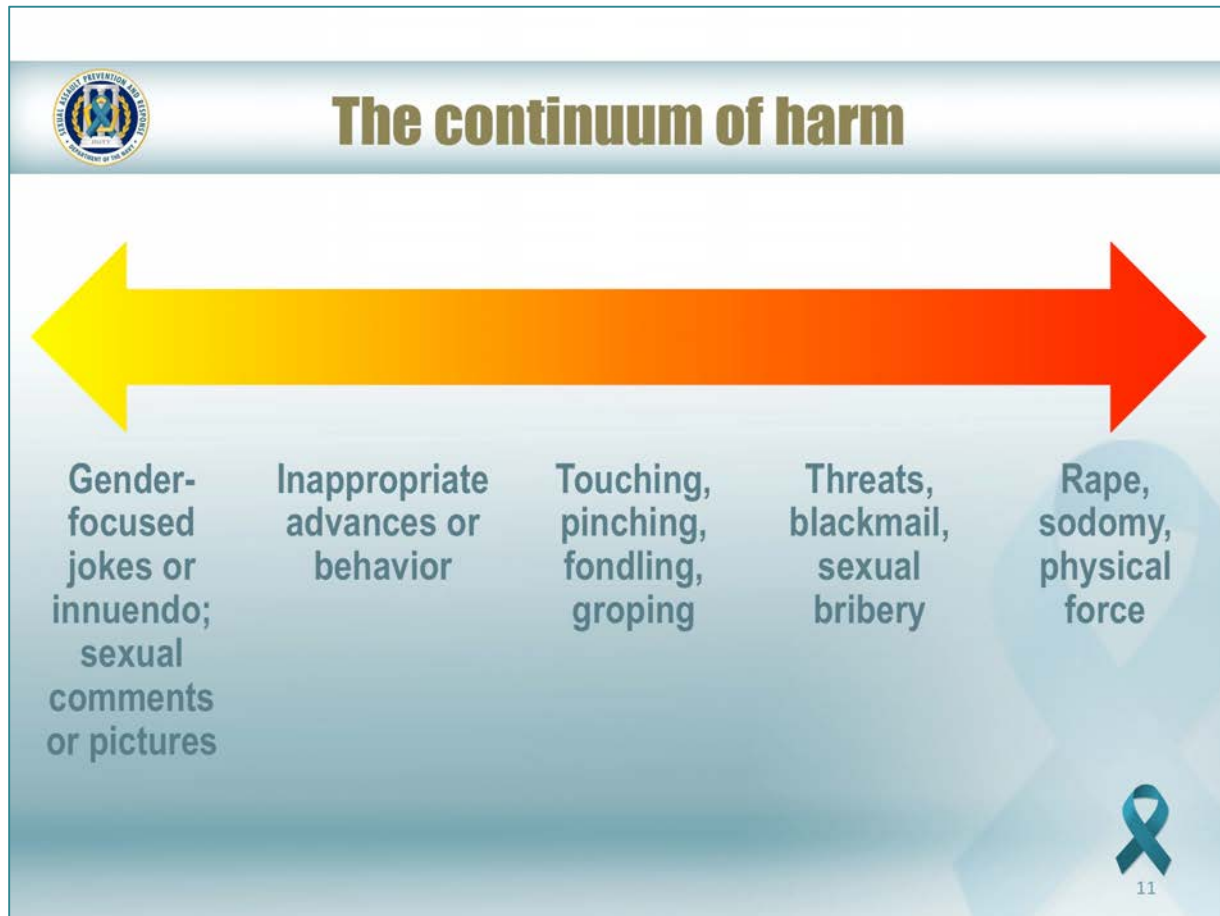
PLAY ▶

Documentary video (runtime 3:18): [Prevention by Stopping Unprofessional Behavior](#)

SAY...

- It's easier to prevent misbehavior if you react the first time a situation comes up.
- If you don't react, that sends a message that you condone the misbehavior.
- Situations and behaviors like the ones in the video make up the "continuum of harm."

SHOW →



SAY...

- This is a term used to describe a range of interconnected negative behaviors, from minor to criminal.

SAY...

- Sexist comments and jokes, inappropriate pictures, teasing, and harassment are on the left of the continuum.
- These behaviors are harmful on their own.
- And research shows that where these behaviors are tolerated, sexual assaults are more likely to occur.<sup>4</sup>

<sup>4</sup> Sadler et al. "Factors associated with women's risk of rape in the military environment." American Journal of Industrial Medicine, 2003.



- 
- This is a correlation, not necessarily a cause-and-effect relationship.
  - And when you think about it, it makes sense:
  - ...when one person or group is constantly being joked about, degraded, harassed, and is less valued...
  - ...there's a lower "cost" associated with attacking that person or a member of that group.
  - Offenders operate freely in these kinds of environments.
  - Taking the "little things" seriously revokes offenders' license to operate.
  - So it is your responsibility as a leader to put a stop to all inappropriate behavior...
  - ...no matter where it falls on the continuum of harm.
  - Your Sailors and Marines also own this responsibility.
  - You can empower them by modeling it from the top.

#### ASK...

Can you quickly throw out some key words that describe a healthy climate? Think about the kind of command you want to work in.

**NOTE TO FACILITATOR:** Write participants' suggestions on a blackboard, white board, or chart paper.

#### LISTEN FOR AND VALIDATE:

- "Trust"
- "Respect"
- "High morale"
- "Professionalism"
- "Safe"
- "Disciplined"
- "Motivated"
- "Good communication"

**GOAL:** Revive energy and reengage participants; return focus to "what to do" rather than "what not to do."

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## SAY...

- Building and maintaining a healthy climate requires a lot of up-front investment.
- The investment you make in your climate will pay big rewards.
- Your Sailors and Marines will be **safer**.
- You and your unit will be able to stay **mission-focused**.
- And if a sexual assault occurs, Sailors and Marines under your charge may **feel more comfortable reporting**.

## ASK...

And now the hard part: how can you build and maintain that kind of climate?

### LISTEN FOR AND VALIDATE:

- “Be alert”
- “Be engaged”
- “Be approachable”
- “Establish trust”
- “Be responsive to Sailors’ and Marines’ concerns”
- “Don’t tolerate sexist or disrespectful jokes or innuendo”
- “Don’t tolerate continuum-of-harm behaviors”

**GOAL:** Engage midshipmen and candidates’ critical thinking skills to brainstorm concrete, actionable ideas to implement when they get to the fleet.

## SAY...

- There are many different ways to establish a healthy climate to prevent sexual assault.
- All healthy command climates have these key elements in common:
- ...no one, or no group of people, is disrespected, ostracized, or de-humanized.
- ...Sailors and Marines are equipped to do their jobs effectively.
- ...and all are treated with dignity and respect—no matter what.

SHOW →



PLAY ▷

Documentary video (runtime 2:44): [Prevention Through Positive Leadership & Healthy Climate](#)

ASK...

Is there anything you can do right now to make your current environment safer, healthier, or more positive?

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**LISTEN FOR AND VALIDATE:** Will vary, but ideas include:

- “Set the example”
- “Look out for your peers”
- “Be an active bystander”
- “Intervene”
- “Respect everyone equally”
- “Don’t make or tolerate sexist/sexual jokes about peers, friends, or classmates”

**GOAL:** Energize midshipmen and candidates and motivate them to act.

---

## RESPONSE

15 minutes

SAY...

- We just discussed preventing sexual assault.
- Now we are going to discuss how to respond to a sexual assault.
- There are several important things to keep in mind.

SHOW →



PLAY ▷

Fictional Scenario: [Preventing Disclosure](#)

Automatically rolls into documentary video (total runtime 5:01):

[Response—Preserving Options](#)

---

### SAY...

- As junior officers, you usually solve problems at your level.
- Sexual assault is an **exception** to this, because it's a crime.
- Investigating and solving serious crimes is not your responsibility.
- Wanting to help is natural, but a victim of sexual assault has more options if you stay out of the situation.

### ASK...


You heard several people in the video mention restricted and unrestricted reports. What are the differences between the two?

#### LISTEN FOR:

- "Restricted reports are confidential"
- "Unrestricted reports are not confidential"
- "Command knows who made the unrestricted report"

**GOAL:** To get midshipmen and candidates to consider the implications of taking away a survivor's right to a restricted report.


SHOW →




## Reporting options

Restricted Report	Unrestricted Report
<ul style="list-style-type: none"><li>• Victim can get medical* and counseling care</li><li>• Advocate and victim's legal counsel available</li><li>• Command notified that an assault occurred; no other details given</li><li>• No investigation is launched</li><li>• Sexual Assault Forensic Exam (SAFE) available</li></ul>	<ul style="list-style-type: none"><li>• Victim can get medical and counseling care</li><li>• Advocate and victim's legal counsel available</li><li>• Chain of command informed</li><li>• Law enforcement investigation is launched</li><li>• Victim can request a protective (restraining) order</li><li>• Victim can request an expedited transfer</li><li>• Sexual Assault Forensic Exam (SAFE) available</li></ul>

\*In some states, including CA, medical providers cannot offer a restricted report.



Survivors of sexual assault are encouraged to retain all documentation, including DD2910 and DD2911.



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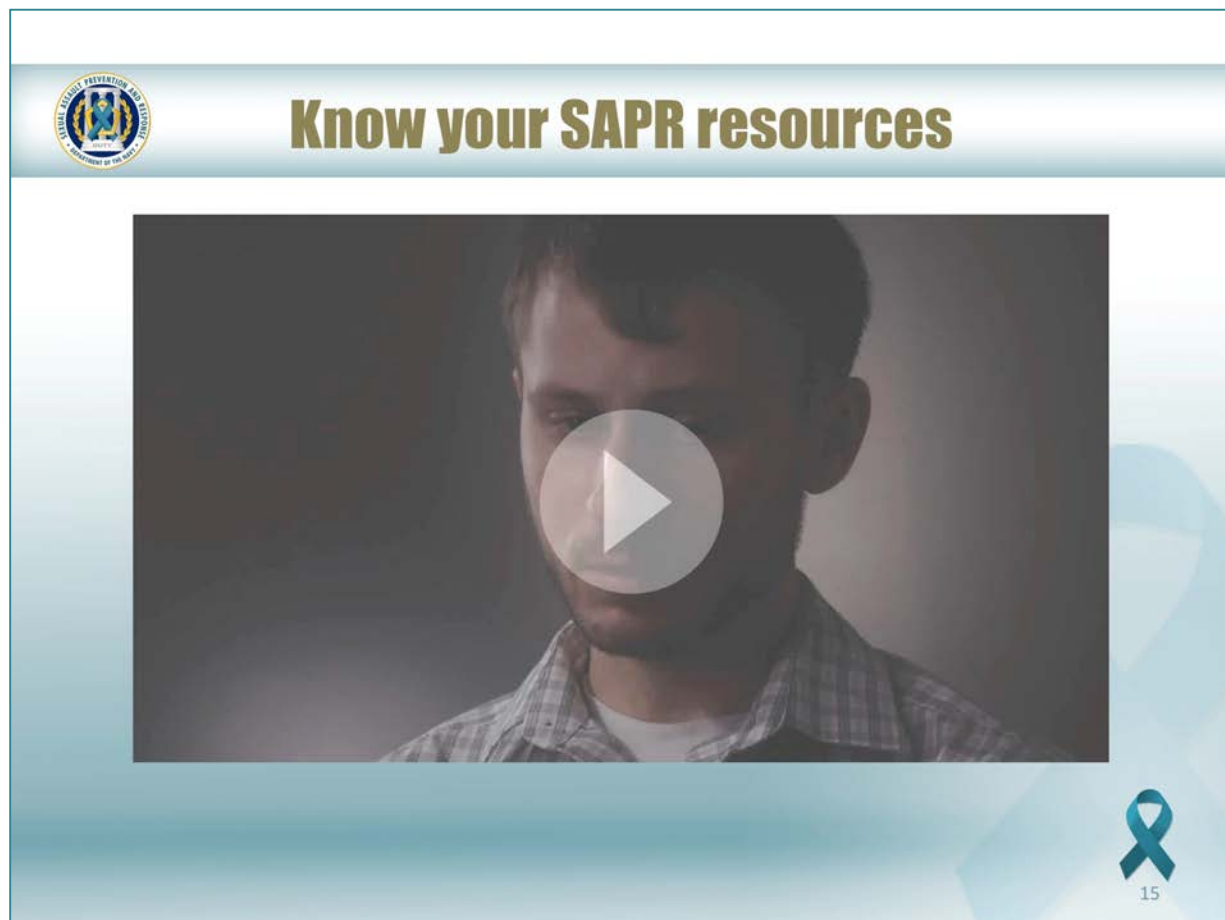
SAY...

- Sexual assault survivors can choose whether, and how, to report the crime.
- **It's important for survivors to have control over the recovery process**, because they did not have control over the crime that occurred.
- With a restricted report, care is available but no investigation is launched.
- With an unrestricted report, a law enforcement investigation is launched and information is shared...
- ...but only with people who have a need-to-know.



- 
- If you know about a sexual assault investigation or unrestricted report, you must keep that information **completely** private.
  - When in doubt, check with your SARC before you share information.
  - As you can see, in some states, including California, medical providers **cannot** offer confidential reporting.
  - That's why a SARC or VA should always be your first call.
  - They can give guidance on how to preserve all reporting options while the victim gets care.

SHOW →



PLAY ▷

Documentary video (runtime 2:35): [Response–Know the Resources](#)

SHOW →



## Resources

Military	Civilian
<ul style="list-style-type: none"><li>• SARC</li><li>• Victim advocates</li><li>• DOD SafeHelpline 877-995-5247 or <a href="http://www.safehelpline.org">www.safehelpline.org</a></li><li>• Local/base crisis hotline</li><li>• Victim's legal counsel</li></ul>	<ul style="list-style-type: none"><li>• National Sexual Assault Hotline: 800-656-HOPE</li><li>• RAINN National Sexual Assault Hotline Online<ul style="list-style-type: none"><li>— Offers instant-message help</li><li>— Can refer victims to local civilian rape crisis centers</li></ul></li></ul>



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SAY...

- As you just heard, you'll want to get to know your SAPR resources **BEFORE** something happens.
- There are resources on- and off-base.
- Make sure your Sailors and Marines know the resources, too.
- Know who can keep knowledge of a sexual assault report confidential, and who is a mandatory reporter.
- People who can maintain confidentiality include **chaplains, deployed resiliency counselors, victim advocates, SARCs, and victim's legal counsel.**
- Did you know that in most states, medical providers can maintain confidentiality...but in some states they cannot?

- 
- California is one of the states where medical providers are mandatory reporters and cannot take a restricted report.
  - Did you know that if a victim is sexually assaulted by someone in their chain of command, that victim can report outside of their chain?
  - Again, you do **not** have to be an expert...
  - ...but you need to know who the experts are.
  - The resources you should be most familiar with are your unit's VA and the SARC at your installation or command.
  - **SARCs and VAs are always a safe first call.**

### ASK...

What responsibilities **might** you have in the aftermath of a sexual assault report? HINT: Think about your responsibility to maintain a healthy climate.

#### LISTEN FOR AND VALIDATE:

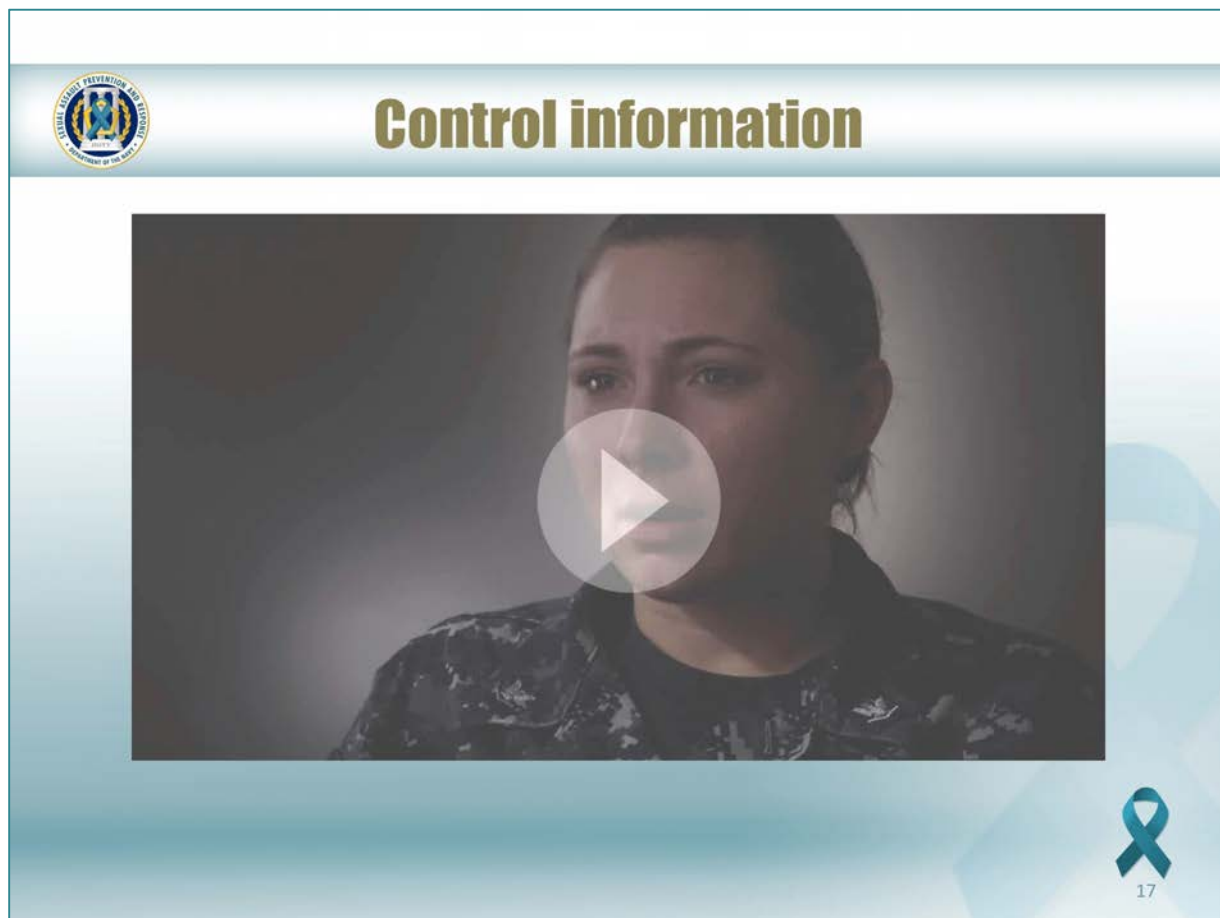
- "Take care of the survivor"
- "Restore mission readiness"
- "Stop gossip/rumors"
- "Continue to educate about resources"
- "Alert chain of command to concerns and issues"

**GOAL:** Encourage midshipmen and candidates to brainstorm about stopping gossip, and about how to keep the unit mission-focused.

### SAY...

- If the report is unrestricted and you know the survivor, taking care of him or her is **top priority**.
- Then you need to pay very close attention to what's going on with your Sailors and Marines.
- Listen for gossip, rumors, and people taking sides.
- And put a stop to it.

SHOW →



PLAY ▶

Documentary video (runtime 2:31): [Response – Stopping Gossip and Rumors](#)

SAY...

- Stopping gossip and rumors is crucial.
- Gossip and rumors re-victimize sexual assault survivors.
- And they can destroy a unit's morale and cohesion.
- Work with your chain of command, particularly senior enlisted leadership, to ensure a climate that is mission-focused and professional.

- 
- Your relationship with your leading chief petty officer (LCPO) or your sergeant is key.
  - Leave the job of investigating to NCIS, and remember that there's a judicial process in place.
  - Our job is not to decide what/whether/who to believe.
  - Our challenge is to recognize our own biases and put them aside...
  - ...then refocus the team on the mission.
  - This is not easy, but it is part of being an officer: do the right thing...
  - ...even when it's hard...
  - ...even when no one will see or reward you for doing it.

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## CONCLUSION

2 minutes

SHOW →



## Be part of the solution

Your Responsibilities	Who can help?
<ul style="list-style-type: none"><li>• Get educated about consent and sexual assault</li><li>• Educate others</li><li>• Be an active bystander</li><li>• Foster a healthy, respectful climate</li><li>• Work with SARC to respond appropriately to every report of sexual assault</li></ul>	<ul style="list-style-type: none"><li>• SARC</li><li>• Victim advocates</li><li>• Victim's legal counsel</li><li>• LCPO/Sergeant</li></ul>



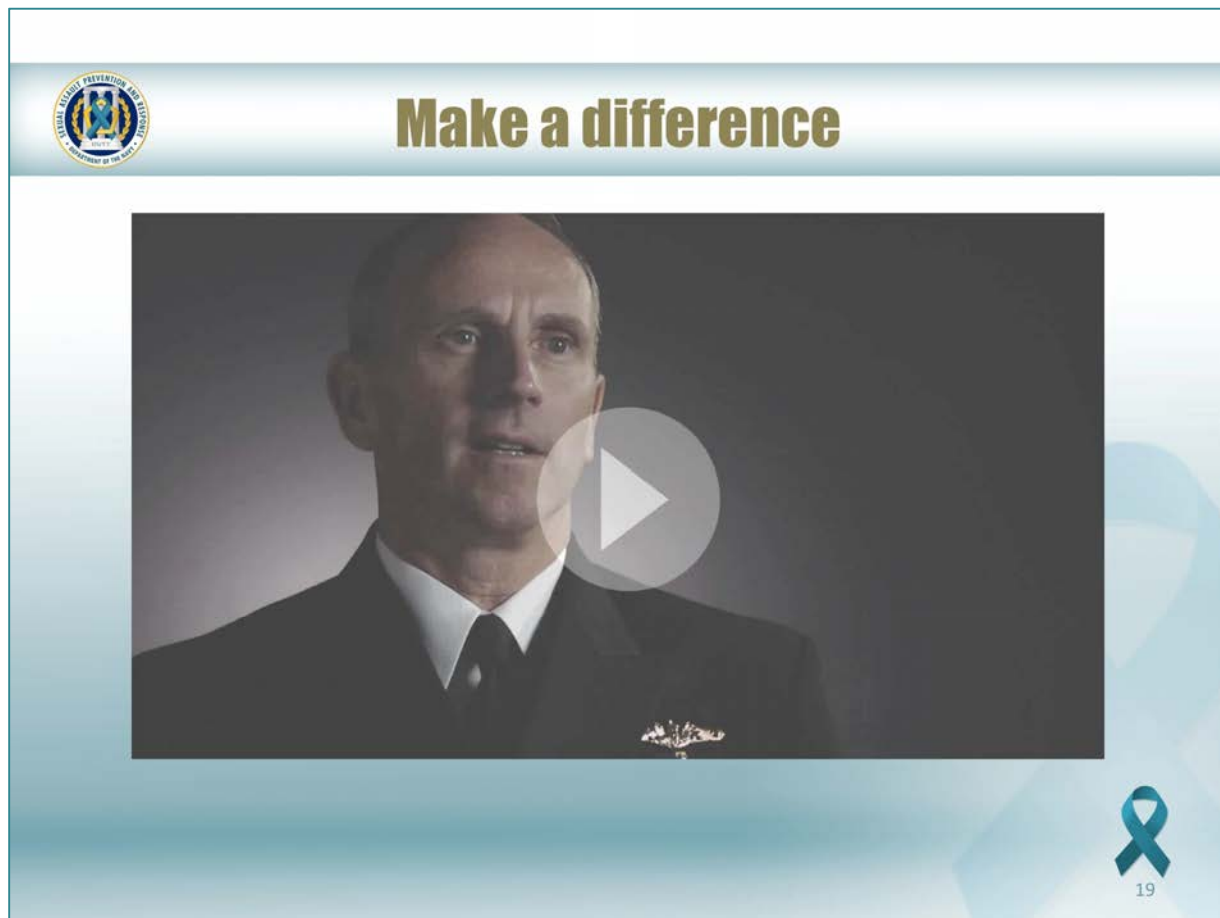
18

SAY...

- Soon you will be joining the Navy or the Marine Corps as officers.
- You should be incredibly proud of this achievement.
- You are joining an organization that lives honor, courage, and commitment every day.
- And we tackle the hard problems head on.
- You will have the opportunity to shape, guide, mentor—and most important, to lead.
- Start practicing today...
- ...do the right thing when you see something wrong...
- ...and work to make your environment safe and positive for all.



SHOW →



PLAY ▷

Documentary video (runtime 1:22): **Conclusion – You Can Make a Difference**

SHOW →



## Conclusion

# Questions?

**DOD Safe Helpline**  
877-995-5247  
[www.safehelpline.org](http://www.safehelpline.org)

**National Sexual Assault Hotline**  
800-656-HOPE

**Rape, Abuse, & Incest National Network**  
[www.rainn.org](http://www.rainn.org)



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SAY...

- Thank you for your time today.
- If you have any questions, please come up and talk to me.
- *[If a victim advocate is sitting in on the training: You can also ask (name of VA) any questions you may have.]*

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## Appendix A: Additional Information About Interviewees

During the development of this course, several survivors of sexual assault volunteered to tell their stories on camera. Below are some additional details about each survivor's story.

**MA3 Shelby Claar** was sexually assaulted by an E6 on a night watch, while she was sleeping in the female berthing. There was no alcohol involved. Out of concern for the perpetrator's career and family, MA3 Claar didn't report the incident for three months, during which she suffered from nightmares, physical symptoms, anxiety, and social isolation. She initially filed a restricted report, then changed it to an unrestricted report. MA3 Claar received support from the SAPR program, chaplain, and victim advocate. She was removed from the section and separated from the perpetrator. NCIS investigated the incident and MA3 Claar participated in an Article 32 hearing, the outcome of which was a recommendation to drop the case. The perpetrator was not charged.

**Cpl Amanda Heavener** was at a party with other Marines, drank a shot that may have contained a drug, and passed out. The next thing she remembered was waking up the next morning in a room that was not hers, lying next to a male Marine who had previously been her best friend, with whom she did not have a sexual relationship. Cpl Heavener didn't remember what happened when informed by fellow Marines that she had had "drunk sex" with this Marine who was her friend.

One of Heavener's NCOs insisted two days after the incident that Heavener go to the hospital and be examined. The NCO came to Heavener because another Marine confessed to the NCO that he and Heavener's friend had both assaulted her while she was passed out. Cpl Heavener was questioned by NCIS and the hospital prepared a SAFE kit. Because her chain of command already knew about the incident, she had no choice but to file an unrestricted report. She received support from her VA and her Staff NCO, although there was constant turnover during the process.

The entire legal process took two years. Her previous friend was judged not guilty. The other Marine negotiated a plea agreement that resulted in a bad conduct discharge.

**Cpl Christopher Key** was assaulted by a staff sergeant. While the two were drinking one night, Key passed out, at which point the perpetrator sexually assaulted him. Key was in and out of consciousness, aware of what was happening but unable to move his body. The next day, Cpl Key told his platoon sergeant what happened; Key was then referred to a victim advocate who provided steady support. Since the incident happened in town, Cpl Key had to file a civilian police report. The alleged perpetrator was removed from the unit but remained in the same work building, due to pending legal action. Cpl Key requested and received an expedited transfer. The local police charged the perpetrator with obscenity; he was eventually sentenced to time served in jail (14 days), two years hard labor, and probation; he did not have to register as a sex offender.

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The perpetrator was given an other than honorable discharge from the Marine Corps. In the aftermath, Cpl Key abused alcohol and eventually sought treatment for alcoholism.

**IT3 (IDW) Stephanie King** was sexually assaulted while stationed in Italy. While returning from liberty, an E5 took King to a locked area on a ship and sexually assaulted her. King confided in another Sailor but didn't tell anyone else for months. The E5 then assaulted another sailor, who then confided in IT3 King. King took this other victim to the VA and revealed her own experience. King did not receive support from her chain of command and her shipboard victim advocate was judgmental. After she was transferred off the ship to San Diego, however, and met with another victim advocate, she received much more support. After four months, there was a court martial. At the court martial, the E5 was convicted and sentenced to six years in jail.

**Gregory Nelson** was an active-duty Marine at the time of the assault. Out with friends on his 21st birthday, he began to feel sick after drinking. A man they had met at the bar convinced Nelson to go back to his nearby home to sleep it off, and Nelson's friends told him it was okay to do so. There, Nelson was drugged. Nelson was in and out of consciousness while the man sexually assaulted him. He reported the assault to a victim advocate. He went to the emergency room and gave a statement to the local police, who concluded that there was insufficient evidence to press criminal charges. When he pursued a civil case, he was discouraged from going forward.

**PSC (SW/AW) Carrie Singleton** was raped by a fellow Navy Chief. She filed a restricted report and suffered for months with a variety of PTSD symptoms, including depression and suicidal ideation. The perpetrator retired shortly after the assault. PSC Singleton's command was not generally supportive, although her XO and CO were helpful. She did not initiate any legal action, although she went public about the assault as part of her healing process.

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## Appendix B: Video Interviewees (Alphabetical)

The titles are current as of August 2014.

**Allison Agnello**

Sexual Assault Response Coordinator, Naval Station Newport

**General James Amos**

Commandant of the Marine Corps

**Anita Brown**

Sexual Assault Nurse Examiner

**SgtMaj Laura Brown**

Marine Corps Base Quantico

**Erin Brzezinski**

Sexual Assault Response Coordinator, Naval Station Great Lakes

**1stSgt Raymond Clark**

Company 1stSgt

**CMDCM (SW/AW) David Dearie**

Region Command Master Chief, Navy Region Southwest

**VADM Nanette DeRenzi**

42nd Judge Advocate General of the Navy

**1st Lt Jean Scott Dodd**

United States Marine Corps

**LCDR Kristin Edgar**

Sexual Assault Nurse Examiner

**HTC A.J. Fiederer**

Victim Advocate

**AWSCS Daniel Gray**

Victim Advocate

**Admiral Jonathan Greenert**

Chief of Naval Operations

**Cherrone Hester**

Installation SARC, SAPR Program Manager, Marine Corps Base Quantico

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**ENS Jessica Hyder**

Junior Officer

**QM2 Brian Jones**

Victim Advocate

**QM1 Regina Jones**

Victim Advocate

**CAPT Vernon Kemper**

Commanding Officer, Officer Training Command

**LT Judd Lorson**

Junior Officer

**ENS Philip Maligsa**

Junior Officer

**RDML Dee Mewbourne**

Commander, Naval Service Training Command, Great Lakes

**FCC (SW/AW) Franco Montjoy**

Victim Advocate

**CTRCS Michelle O’Grady**

Naval Station Great Lakes

**LT Krista Roberts**

Junior Officer, Nurse Corps, Victim Advocate

**2nd Lt Matt Rojo**

Public Affairs Officer, Marine Corps Base Quantico

**CAPT Hank Roux**

Training Support Command, Great Lakes

**LCDR Stephanie Speakman**

Victim’s Legal Counsel

**ENS Danny Theis**

Junior Officer

**Capt Marc Tilney**

Judge Advocate General/Victim’s Legal Counsel

**Da Shawanna Townsend**

HQMC SAPR

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## Appendix C: Frequently Asked Questions

Below are some questions that are frequently asked during SAPR training. Facilitators are not expected to answer all of the participants' questions or become a SAPR expert. There is no need to try to answer a question to which you don't know the answer. When in doubt, offer to seek the correct answer and provide it at a later time, ask a SARC and/or VA if they know the answer, or suggest that the participant reach out to SAPR resources.

**Q: I don't understand why we aren't talking to Sailors and Marines about how to keep themselves safe from sexual assault. Why aren't we talking about drinking less, dressing appropriately, using the buddy system, not walking alone late at night, etc.?**

**A:** General safety messages are always important. However, a person can take as many protective measures as possible and still become the victim of a crime.

Getting Sailors and Marines to drink less, use the buddy system, and generally behave more wisely, is a good goal—but it is not the solution to the sexual assault problem. Putting the onus on potential victims to protect themselves from criminals is not a complete strategy. Preventing sexual assault requires a multi-pronged approach, of which general safety is just one part.

Some safety tips can be counter-productive. Dressing conservatively, never walking alone in a parking garage, etc., are either irrelevant (sexual assault offenders perpetrate out of a desire to hurt, harm, humiliate or control, and the manner of dress has little to do with this<sup>5</sup>) or focus on the less-common “stranger in the bushes” assault.

Victims report that hearing such “safety tips” make them feel as if they are to blame for the assault.

Unfortunately, there's no particular way for Sailors and Marines to act that will keep offenders away from them, especially since most assaults are committed by someone known to, or even in a relationship with, a victim.<sup>6</sup>

That is why the Navy emphasizes bystander intervention and holding offenders appropriately accountable because we're going to protect ourselves as a team. Remember, leadership is a team sport—we're going to solve this together.

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<sup>5</sup> Lisak, David. “Understanding the predatory nature of sexual violence.” Retrieved from Harvard Kennedy School Ash Center for Democratic Governance and Innovation website: <http://www.innovations.harvard.edu/showdoc.html> (2008).

<sup>6</sup> Catalano, Shannan M. “National Crime Victimization Survey: Criminal Victimization, 2005.” U.S. Department of Justice Bureau of Justice Statistics Bulletin September 2006, NCJ 214644.

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**Q: What if a victim tells a friend or roommate that they were assaulted? Can the victim still make a restricted report, or is it automatically unrestricted?**

**A:** Sailors are only required to report a sexual assault if they observe it or if they are in the victim or accused's chain of command; otherwise, they are not obligated to report it. As long as the friend or roommate does not tell anyone, generally, the victim can still make a restricted report. Remember, it is critical that the person in whom the victim confided keep the information completely private.

From DOD Instruction 6495.02:

“In establishing the restricted reporting option, DOD recognizes that a victim may tell someone (e.g., roommate, friend, family member) that a sexual assault has occurred before considering whether to file a restricted or unrestricted report.

(1) A victim's communication with another person (e.g., roommate, friend, family member) does not, in and of itself, prevent the victim from later electing to make a restricted report. Restricted reporting is confidential, not anonymous, reporting. However, if the person to whom the victim confided the information (e.g., roommate, friend, family member) is in the victim's officer or non-commissioned officer chain of command or DOD law enforcement, there can be no restricted report.

(2) Communications between the victim and a person other than the SARC, SAPR VA, or healthcare personnel are NOT confidential and do not receive the protections of restricted reporting.”

**Q: Why do we need a restricted reporting option—wouldn't it be better if victims made unrestricted reports? That way, we can better hold offenders accountable.**

**A:** Justice is about two things: holding offenders appropriately accountable and supporting victim healing and wholeness. Sometimes, the second goal is more important than the first. When that's the case, victims should be able to do what is best for them to recover.

Restricted reporting was designed for individuals who need time and assistance to recover and heal. It is a valuable part of the fight against sexual assault. A victim can always choose to make an unrestricted report later. A sexual assault survivor, who has taken time to heal and is supported by resources such as counselors, advocates, and legal counsel, is more likely to be able to fully participate in the military justice process.



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But we shouldn't focus only on the military justice process. We must make the Navy a hostile environment for offenders by removing the factors that provide cover for them: unprofessional, disrespectful, or crude locker-room climates, acceptance of harassment, and damaging, dehumanizing social norms.

**Q: What about false reports?**

**A:** A false report refers to one that is fabricated or made up. False reports of sexual assault are rare. They are no more common than false reports of other major crimes.

An “unfounded allegation,” a report that cannot be substantiated due to lack of evidence or eyewitnesses, or a legal proceeding that does not move forward, or a victim who recants, or lack of a guilty verdict—these are not false reports. They do not mean that the accuser made it up. They may mean that there was not enough evidence; or that recounting the events, talking with NCIS, working through the legal process, and/or gossip and rumors from peers, was painful enough that the victim chose to not participate in the investigation or chose to recant.

If a report is found to be false, the person making the false report will be held appropriately accountable. Remember, your job is not to investigate or judge. Leave the job of investigating to NCIS and of judgment to the military justice process. Your job is to work with your chain of command, in particular your senior enlisted leadership, to ensure a climate that is mission-focused and professional. Support your shipmates and Marines. Recognize your own biases and put them aside, then refocus your team on the mission.

**Q: Is sex when the other person is drunk always a crime? What is the difference between drunk sex and alcohol-facilitated sexual assault?**

**A:** Generally, sex is a crime when a person doesn't consent or is unable to consent. Alcohol can play a role in a person's capacity (or ability) to consent or to communicate a lack of consent. The capacity to consent is called “competency,” and it is a crime to have sex with someone who is legally incompetent if you knew (or should have known) that the other person was incapacitated.

If two adults consume alcohol, remain competent, and then consent to sex, that's consensual sex. Unlike many D.U.I. laws, there is no specific, legal limit beyond which a person is always legally incompetent. There is no hard-and-fast rule about exactly how much alcohol makes consent impossible; every person and every situation is different. The safest guidance to give is: when in doubt, wait.

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**Q: What if both people are drunk? Is it still sexual assault?**

**A:** Alcohol can play a role in a person's ability to perceive consent or lack of consent. However, being drunk does not absolve a person of the responsibility to obtain consent, just as being drunk does not absolve a person of the responsibility to obey other laws (e.g. being drunk is not an excuse for striking a pedestrian with your car). Again, the safest guidance to give is: when in doubt, wait.